

REMARKS

The Applicant has now had an opportunity to carefully consider the comments set forth in the Office Action mailed April 3, 2006. The recognition of allowable subject in all of the pending claims (1-7, 9-14, 16-18 and 20) is noted with appreciation. A Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c) is being filed herewith to overcome the provisional rejections of claims 1-2, 10-11 and 17.

The Office Action

In the Office Action mailed April 3, 2006:

allowable subject matter was recognized in **claims 3-7, 9, 12-14, 16, 18 and 20**;
a new title was required;

claims 1-2, 10-11 and 17 were provisionally rejected on the grounds of non-statutory double patenting over claims 1-2 of co-pending Application No. 09/848,622.

The Obviousness Rejection

In explaining the rejection of **claims 1-2, 10-11 and 17**, the Office Action asserts the subject matter claimed in the instant application is fully disclosed in the referenced co-pending application and would be covered by any patent granted on the co-pending application.

However, to clarify, the subject matter claimed in the instant application is not fully disclosed in the referenced co-pending application. Briefly, it is noted that the instant application includes FIGS. 10-17, which are not included in co-pending Application No. 09/848,622. Furthermore, the specification of the instant application includes disclosure that is not included in the co-pending application (e.g., paragraphs 83-102). Moreover, as pointed out by the Office Action, claim 1 of the instant application recites calculating a second back off window based at least in part on a smallest integer equal to greater than a number, which number results from a product of a number of collisions that occurred within the first back off window and an average of a number of users in the network involved in a collision.

In the interest of compact prosecution, the Applicant is submitting herewith a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c). The Office Action indicated that the filing of such a Terminal Disclaimer would overcome the rejections of **claims 1-2, 10-11 and 17**.

For at least the foregoing reasons, **claims 1-2, 10-11 and 17** are allowable.

Telephone Interview

In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

CONCLUSION

Claims 1-7, 9-14, 16-18 and 20 remain in the application. For at least the foregoing reasons, the application is in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

Respectfully submitted,

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April 26, 2006
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CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
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